

19 SEP 2000



UNITED STATES DEPARTMENT OF COMMERCE
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In re Application of	:	
BENTLEY, John David <i>et al</i>	:	
Application No.: 09/555,275	:	
PCT No.: PCT/AU98/00998	:	DECISION
Int. Filing Date: 27 November 1998	:	ON PAPERS
Priority Date: 27 November 1997	:	SUBMITTED
Attorney Docket No.: 50179-081	:	UNDER
For: METHOD OF DESIGNING AGONISTS	:	37 CFR 1.42
AND ANTAGONISTS TO IGF	:	
RECEPTOR	:	

This communication is in response to the documents filed 19 July 2000 in response to the Notification of Missing Requirements mailed 19 June 2000. This is treated as a petition under 37 CFR 1.42.

BACKGROUND

On 19 June 2000, a Notification of Missing Requirements was mailed indicating that a declaration in compliance with 37 CFR 1.497 was required. A one month time limit was set for response.

On 19 July 2000, applicants submitted the instant response which was accompanied by, *inter alia*, a declaration executed by nine of the ten co-inventors and Paul Alexander Tulloch as the legal representative of the estate of deceased inventor, Peter Archibald Tulloch.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

In the instant petition, applicants have furnished a declaration signed by Paul Alexander Tulloch as the legal representative of the estate of the deceased inventor, Peter Archibald Tulloch which corresponds to information received from the International Bureau.

However, the declaration does not properly identify the above-captioned application and is therefore, not in compliance with 37 CFR 1.497. The declaration submitted 19 July 2000 does not identify the present U.S. application number or PCT international application number and lists the title of the above-identified application as "Method of Screening," while the title of the above-captioned application in the originally filed national stage papers and the international publication bears the title "Method of Designing Agonists and Antagonists to IGF Receptor." Moreover, the attorney docket number listed on all other papers submitted in the above-captioned application is "50179-081," while the declaration submitted 19 July 2000 originally lists the attorney docket number as "50179-050," but has been altered to "50179-081" without initializing and dating the alteration.

CONCLUSION

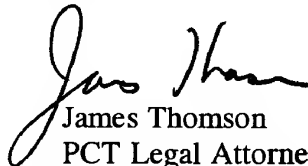
For the above listed reasons, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an acceptable oath or declaration in compliance with 37 CFR 1.497 within **ONE (1) MONTH** from the mail date of this decision or any extension of time remaining from the Notification of Missing Requirements mailed 10 June 2000, whichever is longer. Failure to properly respond will result in abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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